

STATEMENT OF  
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ELDER ABUSE

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SENATE FINANCE COMMITTEE

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Chairman Baucus, Ranking Member Grassley, Senator Breaux and Members of the Committee:

My name is Bob Blancato and I present testimony today in my capacity as President of the National Committee for the Prevention of Elder Abuse (NCPEA). NCPEA is the largest membership organization focused on elder abuse prevention through research, advocacy, public awareness, and training. We are pleased to note, Mr. Chairman, that NCPEA has three Affiliates in Montana: the Billings Chapter for the Prevention of Elder Abuse, a chapter in Cascade County and a Western Montana chapter. These three chapters are noteworthy for being innovative in the use of AmeriCorps Vista volunteers to spearhead local abuse prevention activities.

The National Committee is also a partner organization to the National Center on Elder Abuse, which last December convened a first ever National Summit on Elder Abuse and produced an Action Agenda from which a number of my comments, observations and recommendations will be drawn.

As was also noted, I did serve as Executive Director of the last White House Conference on Aging held which was held in 1995. One of the priority issues at this conference was elder abuse. Delegates, including the one that you and other Finance Committee members appointed, approved important resolutions on elder abuse prevention.

I commend you, Mr. Chairman, and this Committee for holding this hearing on elder justice. As a starting point, let me commend the use of the term “elder justice”. It is an important new term that conveys a future plan and an important public policy goal.

This hearing is warranted because the problem of elder abuse and neglect is worsening. Elder abuse is not a new issue, but it has new urgency that compels some new approaches.

Statistically, based on the National Center on Elder Abuse’s collection of data from states for the year including 2000, there were a total of 470,709 reports of adult/elder abuse. This represented a 60 percent increase from 1996. In addition, an estimated 15,000 complaints of abuse and gross neglect against older victims living in nursing homes and other long-term care facilities were reported, as well as 3500 similar complaints of abuse in board and care facilities.

Yet, estimates from the Senate Special Committee on Aging suggest the number of cases could be as many as 5 million, since more than eight out of every ten cases go unreported.

The federal involvement in elder abuse spans more than 23 years beginning with Congressional hearings before the House Select Committee on Aging. Eventually, federal programs were adopted and funding was provided for elder abuse prevention programs, adult protective services, and the Long-Term Care Ombudsman Program. This history includes the funding of a National Center on Elder Abuse, a Surgeon General’s Report on Family Violence including elder abuse, and a National Elder Abuse Incidence Study. More recently, as I mentioned, the first National Summit on Elder Abuse was held under the auspices of the Administration on Aging and the Department of Justice in December 2001. We also note and commend the release of the National Academy of Sciences study on Risk and Prevalence of Elder Abuse and Neglect.

The reality is the federal response to combating elder abuse and neglect has been piecemeal and ultimately inadequate, as the problem has intensified. It is said in policy that sometimes it is all about money. If that criterion were applied, the current federal commitment pales even further. Consider that the only federal program that appropriates funds specifically addressed to elder abuse, Title VII of the Older Americans Act, has national funding of less than \$5 million. It is estimated that the total federal commitment being spent today on programs addressing elder abuse, neglect and financial exploitation prevention is \$153 million. This is all but .08 percent of the funds currently spent on abuse prevention programs whether for children, women or the elderly. It is not surprising, but is nonetheless disturbing, as Senator Breaux recently noted, that there is not one single person working in the federal government full time on elder abuse prevention.

It should be noted that in addition to the Older Americans Act that also provides funds for the Long-Term Care Ombudsman Program, 32 states use funds from the Social Services Block Grant to help fund Adult Protective Services. Some elder abuse victims are served by programs funded under other umbrellas such as: the Violence Against Women Act, the Family Violence Prevention and Services Act, the Victims of Crime Act, as well as Medicaid, the National Institutes of Health and the National Institute on Aging.

We need to move to a new approach in our fight against elder abuse, neglect and exploitation. Today our policies are more reactionary. Tomorrow they must be proactive, coordinated, comprehensive and goal driven. We suggest that a future elder justice policy could be built around the following seven goals addressed at the National Summit:

- Filling Service Gaps;
- Educating the Public;
- Training Professionals;
- Enhancing Adult Protective Services;
- Increasing Prosecution;
- Maximizing Resources; and
- Eliminating Policy Barriers.

NCPEA is proud to be working with Senator Breaux and his staff on his proposed Elder Justice Act. We believe the approach embodied in his proposal is the genuine catalyst that will shift the focus, change the direction and will move us from a federal response to a comprehensive policy on elder justice. We also believe it offers a strong balance in terms of the appropriate role of the federal government. Sometimes government is best when it supports and empowers. Sometimes its role is best when it is the engine developing and driving policy. Both will be needed here if we are to commit to a more serious and focused role of the federal government in elder justice.

We must first recognize that elder abuse is a public health, law enforcement and social services crisis. Therefore as a starting point, we must move from the current fragmentation and invisibility that exists within the federal government around elder abuse to one that is focused and will elevate elder justice as a priority.

The federal commitment to the future of elder justice must show leadership through responsibility, accountability, funding and visibility. One approach is offered in Senator

Breaux's proposal. He would create Dual Offices of Elder Justice in both the Departments of Health and Human Services and the Department of Justice. This combined with a distinct federal home and a dedicated funding stream for Adult Protective Services is a major step in the right direction.

We must go beyond what is done inside the federal government in the new approach to elder justice. There must also be an entity created that represents the very valuable state, local, private and multidisciplinary perspectives that are working every day in the field of elder abuse prevention. This public-private entity could be charged with annually assessing the state of elder justice in our nation and could be the sponsoring entity of annual summits on elder justice.

Let me also add that important to any new and expanded federal commitment to elder justice must be regular Congressional oversight of existing and new programs and policies on elder justice to make them as coordinated as possible in the most cost effective manner.

This new commitment to elder justice must absolutely include better data collection and dissemination. The underreporting of elder abuse, neglect and exploitation has several causes. Some are intensely personal relating to the victim. Others are intensely bureaucratic and must be remedied. We can begin by doing research in the areas of data and statistics, determine needs and costs, existing responsibilities and how best to measure outcomes.

As an example, the 15,000 cases of abuse in nursing homes mentioned above came from one source: the annual report of the Long-Term Care Ombudsman Program. It did not necessarily include reports that might have been submitted to state Medicare or Medicaid Fraud agencies or state licensure or survey offices or even law enforcement. Why? Because there is no identifiable vehicle to collect, analyze or report this other data. This must be remedied. A new federal policy on elder justice must have the authority and the ability to achieve better reporting of abuse cases wherever it may occur.

The case for greater federal resources for elder justice is made much stronger with good data that justifies the need. We strongly believe that we must do more to identify, disseminate and utilize research being done today around elder abuse prevention. Further, where such research does not exist or if new areas of research should emerge, this new elder justice policy must commit dedicated new resources for research. Part of what should be in the research agenda is how to develop and track state-specific training outcomes, research on diverse populations relative to abuse and, something very critical, the development of uniform definitions and standardized reporting criteria. Good research is important for prevention of elder abuse neglect and financial exploitation and therefore is a good investment of federal money.

With respect to future research it is far wiser to sharpen the wheel than to reinvent it. Under a new elder justice policy we should do a basic inventory of what is being done in areas such as intervention, research or community strategies and other multi-disciplinary efforts and activities. These state and local models could be evaluated and recommended for possible national replication.

Extremely pivotal to the research agenda under a new elder justice policy must be a commitment to supporting regular national incidences and prevalence studies. These studies in so many ways could drive the elder justice policy as it could put researchers, front line workers and policymakers on the same page in terms of understanding the statistical extent of the problem as well as possible future trends.

It is also important that a future elder justice policy support in different ways all the sectors involved in the fight against elder abuse and neglect. This is especially true for law enforcement. To achieve elder justice, the justice system needs to be made more aware of the elder abuse problem. As was noted at the National Summit, elder abuse and neglect must become a priority crime control issue. The justice system including law enforcement, prosecution, corrections, judiciary, medical examiners, coroners, public safety officers, victims advocates, APS workers and Ombudsmen must work as a coordinated system to protect victims, hold offenders accountable and prevent future offenses.

In the future, there must also be an emphasis on training on an interdisciplinary, multidisciplinary and cross-educational basis. One of the suggestions from the Summit was a national elder abuse education and training curriculums that could be used by a variety of those involved in the field.

An obvious and critical goal in a future elder justice policy must be the goal of ensuring that elder abusers are never allowed to work in long-term care facilities or board and care facilities. This is a challenging and controversial issue that warrants deeper attention by Congress. Law enforcement must have the ability and tools to achieve swift prosecution against those who might already be employed, but commit abuse against an older person in the facility. In addition, some resources should be committed to training and educating of personnel in these facilities. In the book Abuse Proofing Your Facility (Pillemer), it is advanced that there are eight risk factors for someone to become an abuser in a facility: attitudes, burnout, conflict, disruptive/aggressive residents, education and training inadequacy, failure to enforce, gaps in staffing, hiring and screening deficiencies. The key point in this book is that these risk factors are all preventable. Let us commit more time and attention to this.

We also need to enhance the knowledge base of consumers who are considering long-term care facilities for a loved one. This process to some extent has been started by CMS, but there must be much greater attention paid to distinguishing those facilities with clean records relative to abuse and those who have had problems in the past.

Today elder abuse is any form of mistreatment that results in harm or loss to an older person. It is generally divided into the following categories, yet a sad reality is there seem to be new categories appearing every day:

- Physical abuse;
- Sexual abuse;
- Domestic abuse (involving a family member);
- Psychological;
- Financial; and
- Neglect, including self-neglect.

Elder justice has individual and systemic definitions. From a policy perspective, elder justice consists of efforts to prevent, detect, treat, intervene in and, where appropriate, prosecute elder abuse, neglect and exploitation. From the individual perspective it is the right of older Americans to be free of abuse, neglect and exploitation.

We believe a new commitment to elder justice is as important as any initiative that has been undertaken to improve the quality of life for seniors in need. It reaffirms our commitment to the priority that federal policy has always given to those most vulnerable as older persons.

The proposed Elder Justice Act has implications for a variety of programs and initiatives under this Committee's jurisdiction. Social Security is an example. Often it is the misappropriation of the monthly Social Security check by a relative that constitutes abuse. Medicare and Medicaid factor in through the new efforts to address quality of care and abuse prevention in long-term care facilities. This could be a key tool in reducing institutional-based elder abuse. On the other side of the coin is the victim of elder abuse, who may need extended acute care under Medicare to recover from the abuse and the demand that could cause on the program in the future. There is also support for having more Medicaid waiver programs offer community-based services for elder abuse prevention such as respite care. Any new elder justice policy will impact heavily on the Social Services Block Grant, which today is a main source of funding for adult protective services.

A new approach to elder justice could play into some future and pending tax bills including those that would provide incentives to recruit more qualified persons into healthcare, especially those wish to specialize in geriatric medicine. In addition, as the committee works further on caregiver legislation, elder justice and the need to provide assistance to caregivers to prevent abuse will come into play. Other areas that were presented at the summit for consideration are the establishment of a national toll-free number dealing with elder justice and a special Elder Justice awareness resolution.

A new elder justice policy will rely on public-private partnerships. One area of this will be especially true: we need a sustained national strategic communication program to educate the public especially baby boomers and younger on elder abuse and elder justice. It will involve a national public awareness campaign on elder abuse. It must also work to apply pressure to prevent those occasional advertising campaigns that make light of issues around elder abuse such as exploitation.

The point is this Committee will have a very direct and important role in the development of a new Elder Justice Act. NCPEA looks forward to working with the committee and looks forward to your active consideration of legislation, which will form the basis of a new elder justice policy.

As the witnesses who follow me will note, this elder justice proposal can also help to address key service gaps that exist today in elder abuse prevention. At the summit, mental health issues were identified as the top need in terms of filling service gaps. The summit called for appropriate and

specialized mental health services to be available and accessible. Other service gaps commonly cited include preventive, early intervention and support services.

In closing, 29 years ago as a staffer in the House of Representatives, I worked with former Congressman Mario Biaggi and others including former Senator Walter Mondale on behalf of the first Child Abuse Prevention Act in history. Five years later, as Staff Director of the Subcommittee on Human Services of the House Select Committee on Aging, I organized some of the early hearings held on elder abuse and worked on the later amendments to the Older Americans Act that provided funding for elder abuse prevention. Then, as now, we have a troubling problem of intergenerational abuse in this nation from children to the elderly, which has only grown worse over time. We must confront all abuse aggressively and with a commitment to reducing it as much as possible.

Our commitment to child abuse and family violence prevention has been good. I believe we have been more remiss with respect to elder abuse prevention. The opportunity to remedy is before us now. It may have been an emerging issue in the late 1970s, but it has fully arrived today. To not direct the same level of commitment to elder abuse as to other abuse constitutes a new and deeply troubling form of ageism.

Let us make elder justice more than a new term. Let's make it a new policy goal as well as a societal aspiration. For the sake of that victim of elder abuse who cannot be here today to present testimony, let us commit to making elder justice a reality.